

Wednesday, June 25, 2008

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 6:00 p.m.
Fifteen "One-minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 1298—Rule providing for consideration of H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community (Rep. Hastings (FL)-Rules):** The closed rule provides one hour of debate in the House, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Hastings, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H. Res. 1297—Rule providing for consideration of H.R. 6275 – Alternative Minimum Tax Relief Act of 2008 (Rep. Welch-Rules):** The closed rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Welch, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **H. Res. 1299 –Rule providing for consideration H.R. 3195, the ADA Restoration Act of 2007 (Rep. Sutton-Rules):** The closed rule provides one hour of debate in the House, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Sutton, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **H.R. 6275 – Alternative Minimum Tax Relief Act of 2008 (Rep. Rangel-Ways and Means):** Pursuant to the rule, debate on the bill will be managed by Ways and Means Committee Chair Rep. Charles Rangel, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on passage of the bill.**

- **H.R. 3195, the ADA Restoration Act of 2007 (Rep. Hoyer/Rep. Blunt/Rep. Sensenbrenner/Rep. GeorgeMiller/ Rep. Conyers - Education and Labor/Judiciary/Transportation and Infrastructure/Energy and Commerce):** Pursuant to the rule, debate on the bill will be managed by Education and Labor Committee Chair Rep. George Miller, or his designee, for forty minutes, and Judiciary Committee Chair Rep. John Conyers, or his designee, for twenty minutes, and will proceed as follows:
 - One hour of debate on the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on passage of the bill.**

- **H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community (Rep. Stupak -Natural Resources):** Pursuant to the rule, debate on the bill will be managed by Natural Resources Committee Chair Rep. Nick J. Rahall, or his designee, for forty minutes, and Judiciary Committee Chair Rep. John Conyers, or his designee, for twenty minutes, and will proceed as follows:
 - One hour of debate on the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill.

- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
 - 1) **H.R. ____** – Stop Child Abuse in Residential Programs for Teens (Rep. George Miller - Education and Labor) (Complete Consideration)
 - 2) **S. 3180** – A bill to Temporarily extend programs under the Higher Education Act of 1965 (Sen. Kennedy – Education and Labor)
 - 3) **H.Con.Res. ____** - Authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the integration of the United States Armed Forces (Rep. Skelton – Armed Services)
- **Postponed Suspension Votes:**
 - 1) **H.R. 3546** - To authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012 (Rep. Johnson (GA) – Judiciary)
 - 2) **H.Res. 1294** - National Save For Retirement Week (Rep. Schwartz – Ways and Means)
 - 3) **H.Con.Res. 163** - Expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus (Rep. Wilson (NM) – Energy and Commerce)
 - 4) **H.Res. 353** - Expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment (Rep. Cummings – Energy and Commerce)
 - 5) **H.Res. 1231** - Supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day (Rep. Shuler – Veterans' Affairs)
 - 6) **H.R. 2245** - To designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic (Rep. Hastings (WA) – Veterans' Affairs)
 - 7) **H.R. 4264** - To name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center" (Rep. Miller (FL) – Veterans' Affairs)
 - 8) **H.R. 4289** - To name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic" (Rep. Fortuno – Veterans' Affairs)
 - 9) **H.R. 4918** - To name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center" (Rep. Ros-Lehtinen – Veterans' Affairs)
 - 10) **H.Res. 1291** - Expressing gratitude for the contributions of the American GI Forum on its 60th anniversary (Rep. Rodriguez – Veterans' Affairs)
 - 11) **H.Res. 1271** - Recognizing National Homeownership Month and the importance of homeownership in the United States (Rep. Gary Miller (CA) – Financial Services)

12) H.Con.Res. 370 - Expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States (Rep. Sheila Jackson–Lee – Oversight and Government Reform)

13) H.Con.Res. 195 - Expressing the sense of the Congress that a National Dysphagia Awareness Month should be established (Rep. Wamp – Oversight and Government Reform)

14) H.Con.Res. 365 – Honoring the life of Robert Mondavi (Rep. Thompson (CA) – Oversight and Government Reform)

- **Postponed Vote on Kirk Motion to Instruct Conferees on H.R. 4040 - The Consumer Product Safety Modernization Act of 2007 (Rep. Rush – Energy and Commerce)**

Bill Summary and Key Issues

The ADA Amendments Act of 2008 (HR 3195)

Background

The Americans with Disabilities Act of 1990 was intended to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Just as other civil rights laws prohibit entities from basing decisions on characteristics like race or sex, Congress wanted the ADA to stop employers from making decisions based on disability.

Unfortunately, four U.S. Supreme Court decisions have narrowed the definition of disability so much that people with serious conditions such as epilepsy, muscular dystrophy, cancer, diabetes, and cerebral palsy have been determined to not meet the definition of disability under the ADA.

The result: In 2004, plaintiffs lost 97% of ADA employment discrimination claims that went to trial, often due to the interpretation of definition of disability. People who are excluded from a job or program because of a mistake belief they are not qualified have been denied protection from discrimination due to the Court’s decisions. This was not the intent of the ADA.

The legislation:

- Overturns the erroneous Supreme Court decisions that have eroded the protections for people with disabilities under the ADA.
- Makes it absolutely clear that the ADA provides broad coverage for anyone who faces disability discrimination, as Congress originally intended.
- Clarifies the definition of disability, including what it means to be “substantially limited in a major life activity.”
- Prohibits the consideration of mitigating measures – things that reduce the impact of the effects of an impairment – such as medication, prosthetics, and assistive technology, in determining whether an individual has a disability.
- Covers people who experience discrimination because someone believes that they are disabled, whether or not they actually are.
- Strikes a balance between employer and employee interests by clarifying accommodations need not be provided to an individual who is only “regarded as” having an impairment.

- Is supported by a broad coalition of civil rights groups, disability advocates, and employer trade organizations (see reverse.)

H.R. 6275 - The Alternative Minimum Tax Relief Act of 2008 (*Rep. Rangel – Ways and Means*)

Extension of AMT relief for 2008. The bill would provide more than 25 million families with tax relief in 2008 by extending AMT relief for nonrefundable personal credits and increasing the AMT exemption amount to \$69,950 for joint filers and \$46,200 for individuals. *This proposal is estimated to cost \$61.52 billion over 10 years.*

II. CLOSING TAX LOOPHOLES

Taxation of carried interest as ordinary income. The bill would prevent investment fund managers from paying taxes at capital gains rates on investment management services income received as carried interest in an investment fund. The bill would require such managers to treat carried interest as ordinary income received in exchange for the performance of services to the extent that carried interest does not reflect a reasonable return on invested capital. The bill would continue to tax carried interest at capital gain tax rates to the extent that carried interest reflects a reasonable return on invested capital. This proposal passed the House as part of H.R. 3996 by a vote of 216 to 193. *This proposal is estimated to raise \$30.98 billion over 10 years.*

Denial of section 199 benefits for certain major integrated oil companies (freeze current law section 199 benefits at 6% for oil and natural gas production income of other taxpayers). The bill excludes gross receipts derived from the sale, exchange or other disposition of oil, natural gas, or any primary product thereof from the domestic production deduction for large integrated oil companies. The bill would freeze the domestic production deduction for income of other taxpayers with respect to oil, natural gas or any primary product thereof at 6% (which is current law). This is a scaled-back version of the provision proposing outright repeal of section 199 with respect to all oil, natural gas or any primary product thereof that passed the House as part of H.R. 6 by a vote of 264 to 163 (with 36 House Republicans joining 228 House Democrats in support) and as part of H.R. 2776 by a vote of 221 to 189 (with 9 House Republicans joining 212 House Democrats in support). An identical proposal passed the House as part of H.R. 5351 by a vote of 236 to 182 (with 17 House Republicans joining 219 House Democrats in support). *This proposal is estimated to raise \$13.57 billion over 10 years.*

Information returns for merchant payment card reimbursements. The bill would enact a proposal contained in the President's FY 2009 Budget to require institutions that make payments to merchants in settlement of payment card transactions to file an information return with the Internal Revenue Service. According to the Treasury Department, "Payment cards (both credit cards and debit cards) are an increasingly common form of payment to merchants for property and services rendered. Some merchants fail to report accurately their gross income, including income derived from payment card transactions. Generally, compliance increases significantly for amounts that a third party reports to the IRS." The bill would also require information returns for payments in settlement of certain third party network transactions that operate in a manner similar to payment card transactions. *This proposal is estimated to raise \$9.80 billion over 10 years.*

Limitation on treaty benefit for certain deductible payments. The bill would prevent foreign multinational corporations incorporated in tax haven countries

from avoiding tax on income earned in the United States by routing their income through structures in which a United States subsidiary of the foreign multinational corporation makes a deductible payment to a country with which the United States has a tax treaty before ultimately repatriating these earnings in the tax haven country. This is a scaled-back version of a provision approved by the House of Representatives as part of H.R. 2419 by a vote of 231 to 191 (with 19 Republicans joining 212 Democrats in support). This scaled-back version ensures that foreign multinational corporations incorporated in treaty partner countries will not be affected by this provision. *This proposal is estimated to raise \$6.94 billion over 10 years.*

Application of continuous levy to property sold or leased to the federal government by vendors. Under current law, the federal government may attach a continuous levy to payments made by the federal government to “vendors of goods or services sold or leased to the Federal Government” if such vendors owe the government taxes. The proposal would clarify that the federal government may attach a continuous levy to vendors of “property,” not just vendors of goods. *This proposal is estimated to raise \$301 million over 10 years.*

H.R. 2176 & H.R. 4115

Summary Provided by the Committee on Natural Resources

H.R. 2176 and H.R. 4115 would settle longstanding claims by the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa against land located in the Upper Peninsula of Michigan by providing land elsewhere in the State of Michigan.

Over 150 years ago, land was illegally taken from the Bay Mills and Sault Ste. Marie tribes. These actions eventually led the tribes to file land claims against the property owners in Charlotte Beach, Michigan. These claims have resulted in years of litigation, clouded title for hundreds of private property owners, and the denial of the sovereign rights of two Indian tribes.

The parties have worked to develop settlement agreements that require the tribes to give up their land claims in the Charlotte Beach area in return for replacement lands elsewhere in Michigan. These replacement lands are in communities selected by the State of Michigan. Before the settlement agreements were finalized, communities located within the replacement lands voted by referendum to support the settlement package. It is expected that Indian gaming would occur on these replacement lands.

Former Republican Governor John Engler and current Democratic Governor Jennifer Granholm have been instrumental in reaching the settlement agreements referenced in H.R. 2176 and H.R. 4115. In addition, the legislation is endorsed by United States Senators Carl Levin and Debbie Stabenow, both Indian tribes, all of the communities involved, and their state and local elected officials. Most importantly, they are supported by the very Members of Congress whose districts are directly impacted by the legislation Rep. Bart Stupak, Rep. John Dingell, and Rep. Candice Miller.

H.R. 2176 & H.R. 4115

Summary Provided by the Committee on the Judiciary

H.R. 2176 and H.R. 4115 would use a questionable Indian Tribal land claim to preemptively legalize two new Tribal casinos in Michigan, in defiance of well-established procedures in federal and State law that are designed to limit the expansion of off-reservation casino gaming. The casinos would be located 350 miles away from the Tribes' reservations, wholly outside their ancestral lands. These invalid land claims have already failed in both federal and state court.

The passage of this legislation would create a dangerous precedent under the Indian Gaming Regulatory Act (IGRA), creating a shortcut for opening new casinos that would permit the unlimited expansion of off-reservation gaming. Never before has Congress authorized site-specific off-reservation casinos and allowed two Tribes to go 350 miles from their reservations to open casinos. This legislation would set a blueprint for putting a casino in any corner of the country.

IGRA requires any Tribe asking that off-reservation land be taken into trust for casino gaming to submit an application to the Department of Interior. Interior then carefully weighs a number of factors – including the distance from the Tribe's reservation. The degree of scrutiny increases as the distance from the reservation increases, because the benefits to tribal welfare diminish, while the potential harms to tribal welfare increase. Interior also conducts extensive environmental review of the proposed land to ensure compliance with the National Environmental Policy Act – otherwise, federal taxpayers may be required to pay for any NEPA liabilities that exist on the land.

In disregarding federal and State law and the expressed will of Michigan voters, the legislation raises serious questions regarding procedural fairness, due process, and respect for the role of citizens in our democracy. The legislation is opposed by the U.S. Department of Interior, by every Member of the Judiciary Committee, and by more than fifty Tribes from all across the country, and a bipartisan majority of the Michigan Congressional Delegation.

Quote of the Day

"The earth belongs to the living, not to the dead." -Thomas Jefferson

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